

Manufactured by Stamoolis & Afentis * * * Pittsburgh Pa * * * New York."

It was alleged to be adulterated in that an article containing a glycol, a poison, had been substituted in whole or in part for vanilla extract, a food flavor.

Misbranding was alleged in that the statement "Vanella Extract" was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing a glycol, a poison; and in that it was offered for sale under the distinctive name of another article, vanilla extract, a food flavor.

On March 18, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29237. Misbranding of potatoes. U. S. v. 800 Sacks of Potatoes. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 41661. Sample No. 16803-D.)

This product fell below the grade declared on the label because of damage by net necrosis.

On February 9, 1938, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 800 sacks of potatoes at Cleveland, Ohio; alleging that the article had been shipped in interstate commerce on or about January 31, 1938, from Bangor, Maine, by W. H. Martin; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement "U. S. No. 1" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was below U. S. grade No. 1.

On February 12, 1938, W. H. Martin, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29238. Misbranding of canned cherries. U. S. v. 89 Cases of Canned Cherries. Consent decree entered. Product released under bond for relabeling. (F. & D. No. 42403. Sample No. 23032-D.)

This product fell below the standard established by this Department because there was present more than one pit per each 20 ounces of contents and because of excessive packing medium, and it was not labeled to indicate that it was substandard.

On May 17, 1938, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 89 cases of canned cherries at Moscow, Idaho; alleging that the article had been shipped in interstate commerce on or about March 4, 1938, from Portland, Oreg., by Columbia Van & Storage Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Porto Standard Fruit In Water Red Sour Pitted Cherries Packed for Mason Ehrman and Co. Main Office Portland Oregon."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality, condition, and fill of container promulgated by the Secretary of Agriculture, since the fruit was not pitted—more than one cherry pit for each 20 ounces of net contents being present, and since it contained excess packing medium; and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On July 9, 1938, Mason Ehrman & Co., Moscow, Idaho, claimant, having consented to the entry of a decree, judgment was entered ordering the product released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29239. Adulteration and misbranding of egg noodles. U. S. v. 57 Cases of Noodles. Default decree of destruction. (F. & D. No. 42506. Sample No. 23055-D.)

This product was deficient in egg and contained soybean flour and artificial color.

On June 7, 1938, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 57 cases of noodles at Boise, Idaho; alleging that the article had been shipped in interstate commerce on or about

March 28 and April 19, 1938, from Seattle, Wash., by Tsue Chong Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Rose Brand Fresh Egg Noodles * * * Manufactured by Tsue Chong Company * * * Seattle Wash."

It was alleged to be adulterated in that an artificially colored product deficient in egg and containing soybean flour had been substituted wholly or in part for egg noodles, which it purported to be; and in that it was colored in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the statement "Egg Noodles" was false and misleading and tended to deceive and mislead the purchaser when applied to an article deficient in egg and containing soybean flour and artificial color.

On July 7, 1938, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29240. Misbranding of canned apricots. U. S. v. 50 Cases of Apricots. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 42471. Sample No. 23335-D.)

This product fell below the standard for canned apricots because of excessive crushed and soft pieces, and it was not labeled to indicate that it was substandard.

On May 25, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of canned apricots at Tacoma, Wash.; alleging that the article had been shipped in interstate commerce on or about April 27, 1938, from San Francisco, Calif., by the F. G. Wool Packing Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Gold Crest Brand Compote California Apricots * * * Napa Canning Company * * * San Francisco, Cal."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it contained excessive crushed and soft pieces and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On August 1, 1938, Alaska Distributors, Inc., Tacoma, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling in conformity with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29241. Adulteration of candy. U. S. v. 6 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 42454. Sample No. 14459-D.)

This product consisted of candy filled with ground peanuts. Examination showed that the filling was insect-infested.

On June 3, 1938, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six boxes of candy at Providence, R. I.; alleging that the article had been shipped in interstate commerce on or about January 30, 1938, by the M. G. Shaghalian Co., from Providence, R. I., to Fall River, Mass., and had been returned to Providence, R. I., by the consignee on or about May 17, 1938; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Peach Buds Made by M. G. Shaghalian Co., Providence, R. I."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On June 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29242. Adulteration of canned cherries. U. S. v. 430 Cases of Cherries. Default decree of destruction. (F. & D. No. 42314. Sample No. 22836-D.)

Samples of this product were found to contain worms.

On May 25, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 430 cases of canned